

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re:	:	Chapter 7
	:	
MARK STEVEN ACKER,	:	Case No. 22-22359 (SHL)
	:	
Debtor.	:	
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**ORDER AUTHORIZING THE TRUSTEE TO RETAIN
MYC & ASSOCIATES, INC. AS REAL ESTATE BROKER**

Upon the application (the “Application”) dated May 12, 2023 of Howard P. Magaliff, the chapter 7 trustee (the “Trustee”) of the above-named Debtor, for authority to retain MYC & Associates, Inc. (“MYC”) as real estate broker pursuant to §§ 327(a) and 328(a) of the Bankruptcy Code, Rule 2014 of the Federal Rules of Bankruptcy Procedure and Local Bankruptcy Rule 2014-1; and upon the Affidavit of Marc P. Yaverbaum, a principal shareholder of MYC; and it appearing that MYC is disinterested within the meaning of § 101(14) of the Bankruptcy Code and that MYC does not represent any interest adverse to the Trustee or the Debtors’ estate; and no notice of the Application being necessary; and the United States Trustee having no objection to the entry of this Order; and after due deliberation, and sufficient cause appearing, it is

ORDERED that the Application is granted as set forth herein; and it is further

ORDERED that, pursuant to 11 U.S.C. §§ 327(a) and 328(a), the Trustee is authorized to retain MYC as real estate broker for the Properties, as such term is defined in the Application, on the terms set forth in the Yaverbaum Affidavit; and it is further

ORDERED that, upon closing of the sale of a Property in accordance with an Order of the Court entered on notice, the Trustee is authorized to pay MYC a commission from the

sale proceeds equal to six percent (6 %) of the gross sale price, provided that if the Trustee sells a Property without MYC's assistance, the commission payable to MYC will be three percent (3%); and it is further

ORDERED that, the Court shall retain jurisdiction to hear and determine all matters arising from the implementation of this Order; and it is further

ORDERED that the Court shall retain jurisdiction to hear and determine all matters arising from the implementation of this Order; and it is further

ORDERED that if there is any inconsistency between the terms of this Order, the Application and the supporting affidavit, the terms of this Order shall govern.

Dated: June 1, 2023

/s/ Sean H. Lane
United States Bankruptcy Judge

NO OBJECTION:
William K. Harrington
United States Trustee
By:

/s/ Paul Schwartzberg
Paul Schwartzberg, Trial Attorney
Dated: May 12, 2023